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EXAMINER

CHANG, YEAN HSI

ART UNIT PAPER NUMBER

2835

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/737,051

Applicant(s)

DELUGA, RONALD E.

Examiner

Yean-Hsi Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-8 and 10-12 of U.S.

Patent No. 6,678,154 B2 ('154). Although the conflicting claims are not identical, they are not patentably distinct from each other because all subject matters claimed are the same with different arrangements and some different terminologies, such as: a computer chassis vs. computer housing, a computer component vs. computer device, component mount vs. included in a battery module, a component latch vs. a latch, a lifter vs. lifting mechanism.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-11 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al. (US 5,764,477).

Ohgami teaches a component mount (fig. 9) for a computer (fig. 1), comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in 10A) and an unlatched configuration (shown in fig. 10B), a lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading to an inwardly angled structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the inwardly angled structure, whereat a mating angled structure (better shown in fig. 5) of the boss is retainable against the inwardly angled structure (shown in fig. 18B) (claim 7); wherein the inwardly angled structure comprises a notch (67, fig. 10A) (claim 8); wherein the mating angled structure comprises an outwardly extending tab (portion between 65 and 67, fig. 10A; not labeled) (claim 9); wherein the inwardly angled structure and the mating angled structure comprise substantially flat abutment surfaces (60 and 35b) that are substantially angled relative to a direction (left-right in figs. 11) of movement between the inwardly angled structure and the mating angled structure (claim 10); wherein the boss comprises a curved engagement surface (surrounding

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surface of 42 being curved, fig. 9) disposed against the sloped structure (shown in fig. 18B) (claim 11); and wherein the inwardly angled structure of the lifter is configured to block movement of the boss from the lifted position to a recessed position (61) (claim 36).

5. Claims 14-17 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al.

Ohgami teaches a removable computer component (31, fig. 9) comprising: a component housing (32, fig. 9) insertable into a receptacle (17, fig. 9) of a computer chassis (5, fig. 9), and a component mount (fig. 9) partially disposed on the component housing and partially mountable in the computer chassis, the component mount comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in fig. 10A) and an unlatched configuration (shown in fig. 10B), a lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading an angled retention structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the angled retention structure (67, fig. 10A), whereat a mating angled structure of the boss is retainable against the angled retention structure (shown in fig. 18B) (claim 14); wherein the component housing comprises a battery module (see col. 8, lines 19-20) (claim 15); wherein the angled retention structure comprises a notch (67, fig. 10A), and the mating angled structure comprises an outwardly extending tab (42, fig. 9) (claim 16); wherein the angled retention structure and the mating angled structure comprise substantially parallel abutment surfaces (60 and 35b) (claim 17); and

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wherein the angled retention structure of the lifter is configured to block movement of the boss from the lifted position to a recessed position (61) (claim 37).

6. Claims 22-27 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al.

Ohgami teaches a computer chassis (5, fig. 9) comprising: a recessed structure (17, fig. 9) adapted to receive a computer component (31, fig. 9), a component mount (partially shown in fig. 9) partially positioned in the recessed structure and partially mountable to the computer component, the component mount comprising: component latch (55, fig. 10A) movable between a latched configuration (shown in fig. 10A) and an unlatched configuration (shown in fig. 10B), an lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading to an angled retention structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the angled retention structure, whereat a mating angled structure (shown in fig. 5, not labeled) of the boss is retainable against the angled retention structure (shown in fig. 18B) (claim 22); wherein the recessed structure is disposed within a portable computer housing (4, fig. 3) (claim 23); a motherboard (11, fig. 4) and a processor (inherent feature not shown) mounted the motherboard (claim 24); a display (3, fig. 1) coupled to a component housing (5, fig. 1) having the recessed structure (claim 25); wherein the recessed structure comprises battery connectors (25, fig. 3) engageable with mating connectors (38, fig. 3) of the computer component (claim 26); wherein the angled retention structure comprises a notch (67, fig. 10A), and the mating angled structure

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comprises an outwardly extending tab (42, fig. 5) (claim 27); and wherein the angled retention structure of the lifter is configured to block movement of the boss from a lifted position (fig. 11B) to a recessed position (fig. 11A) (claim 40).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a component mount (fig. 9) for a computer (fig. 1), comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in 10A) and an unlatched configuration (shown in fig. 10B), a boss (42), a lifter (59, fig. 10A) engageable with the boss to move a component (31) to a lifted position (fig. 5) in the unlatched configuration, wherein the boss comprise a retention structure (42, fig. 5) retainable against a mating retention structure (67) of the lifter to retain the component in the lifted position (claim 1); wherein the retention structure and the mating retention structure comprises angled abutment surfaces (35b and 60) (claim 2); wherein the angled abutment surfaces comprise a notch and a tab (67 and 42) (claim 3); wherein the angled abutment surfaces are substantially parallel to one another (fig. 5) and are

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substantially perpendicular to a direction (left-right figs. 11) of movement between the retention structure and the mating retention structure (claim 4); wherein the lifter comprises at least one angled surface (67) leading to the mating retention structure (claim 5); wherein the boss comprises a curved engagement surface (surface of 42) disposed against the at least one angled surface (fig. 11B) (claim 6); wherein the mating retention structure of the lifter is configured to block movement of the plurality of bosses from the lifted position to a recessed position (61) (claim 33); wherein the lifter comprises a lift tab (64) (claim 34); wherein the lift tab comprises a substantially flat recessed surface (67), which is configured to support the boss when the component is in the lifted position (fig. 11B) (claim 35).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

9. Claims 20-21 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a removable computer component (31, fig. 9) comprising: a component housing (32, fig. 9) insertable into a receptacle (17, fig. 9) of a computer chassis (5, fig. 9), and a component mount (fig. 9) partially disposed on the component



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housing and partially mountable in the computer chassis, the component mount comprising: a latching mechanism (55, fig. 10A) movable to latch and unlatched the component housing with the receptacle, a boss movable by a lifting mechanism (59, fig. 10A) to move the component housing to a lifted position (fig. 9), whereat retention structures (59) are engageable to support the component housing in the lifted position (claim 20); wherein the component housing comprises a battery module (see col. 8, lines 19-20) (claim 21); wherein the retention structures are configured to block movement of the boss from the lifted position to a recessed position (61) (claim 38); and wherein the retention structures comprise angled retention structures (see figs.10).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

10. Claims 29-32 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a computer chassis (5, fig. 9) comprising: a recessed structure (17, fig. 9) adapted to receive a computer component (31, fig. 9), a component mount (partially shown in fig. 9) partially positioned in the recessed structure and partially mountable to the computer component, the component mount comprising: a latching

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mechanism (55, fig. 10A) adapted to latch and unlatch the computer component with the recessed structure (figs. 6 and 9), and a boss movable by a lifting mechanism (59, fig. 10A) to move the component housing to a lifted position (shown in fig. 18B), whereat retention structure (59) are engageable to support the component housing in the lifted position (claim 29); wherein the recessed structure is disposed within a portable computer housing (4, fig. 3) having a panel display (14) (claim 30); wherein the recessed structure comprises battery connectors (25, fig. 3) engageable with mating connectors (38, fig. 3) of the computer component (claim 31); wherein the retention structure comprises a notch (67, fig. 10A), and an outwardly extending tab (42, fig. 5) (claim 32); wherein the retention structure comprises angled retention structure (see figs. 10) (claim 41); and the retention structure is configured to block movement of the boss from the lifted position to a recessed position (fig. 11A) (claim 42).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

### ***Response to Arguments***

11. Applicant's arguments filed Dec. 13, 2004 have been fully considered but they are not persuasive.

Applicant argues, "several features of independent claims 7, 14, and 22 and dependent claim 2 are not disclosed by the Ohgami reference"; independent claims 7, 14 and 22 recite "a lifter having a sloped structure leading to an inwardly angled retention structure" and "a boss movable along the sloped structure to a lifted position at the inwardly angled structure, whereat a mating angled retention structure of the boss is retainable against the inwardly angled structure"; and "a mating angled structure of the boss is retainable against the angled retention structure"; and dependent claim 2 recites "the retention structure and the mating retention structure comprises angled abutment surfaces." Ohgami discloses all of the claimed elements and features, such as: a lifter 59, a sloped structure 64, an inwardly angled retention structure 67, a mating angled retention structure of the boss 42, and angled abutment surfaces 25b and 60. The numbers given are for exemplary purposes. For example, 59 may be a lifter, a sloped structure, and a retention structure, and it has angled portions; 42 may be a boss, a mating retention structure, an angled structure (boss perpendicular to surface 35b), and having a mating retention surface; and element 66 may have been used as an angled structure since it has corners, edges formed by angled surfaces.

Regarding the obviousness of the 103 rejections, mere duplication of the essential working parts of a device, such as a boss of a component housing, has been considered involving only routine skill in the art, therefore, it would have been obvious to one having ordinary skill in the art, as indicated in the MPEP.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Correspondence***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00.

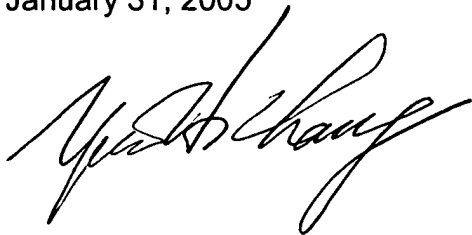
If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular

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communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
January 31, 2005

A handwritten signature in black ink, appearing to read 'Yean-Hsi Chang', written in a cursive style.